



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Briefing by Omagh and Strabane District
Council Joint Working Group on Wind Farms

27 June 2013

Please note that Official Report (Hansard) staff were not present at this meeting and that this report has been retrospectively compiled without the benefit of contemporary notes and details of the sequence of speakers.

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mr Sydney Anderson
Mr Cathal Boylan
Mr Tom Elliott
Mr Barry McElduff
Mr Peter Weir

Witnesses:

Councillor Charles Chittick	Omagh District Council
Councillor Sean Clarke	Omagh District Council
Councillor Daniel Kelly	Strabane District Council
Councillor Kieran McGuire	Strabane District Council

The Chairperson: I welcome councillors from Omagh and Strabane District Council Joint Working Group on Wind Farms. They are Councillors Daniel Kelly and Kieran McGuire from Strabane District Council and Councillors Sean Clarke and Charles Chittick from Omagh District Council. I am not very good with names even though I have lived here for 30-odd years.

We are really pushed for time. We have received your very well documented written evidence. Can you give us a quick, five-minute summing up and then take questions from members?

Councillor Sean Clarke (Omagh District Council): Yes. Thank you, Chair. I welcome you here to Omagh. I am an Omagh councillor, as is Charlie Chittick. We set up a working group of Omagh and Strabane councillors because of the proliferation of wind farms in the west Tyrone area. I think that 48% is the figure that you have. Ironically, when you add in Fermanagh, it goes over 70%. As far as I am aware, there are 11 other constituencies with large rural areas. That raises a question.

I want to put on record that neither Omagh nor Strabane council is for or against wind farms per se; they judge every one on its merits. Obviously, the councils have, through environmental health, their own consultation process that they have to go through. Many people are not happy with that process. However, that is what we have at present. I realise the time, so rather than going through all of our prepared evidence, I will ask Councillor Kieran McGuire to comment on the industrialisation of west Tyrone.

Councillor Kieran McGuire (Strabane District Council): I just want to outline my disappointment that the Committee did not come to the wind farm at Killeter, where they would have seen at first hand what it is like for people who live close to it. I am also disappointed that a SDLP member did not see fit to come here when that party's Minister oversees this. It is a big problem in west Tyrone. We hear a lot from the Minister. However, his own colleagues did not come here to hear the two presentations. I am extremely disappointed about that.

Basically, we want west Tyrone to be seen as a special case. West Tyrone accounts for 14% of the land mass of the North of Ireland, yet it has almost 50% of its wind turbines. You will see that in the evidence that has been provided to you. You will also see that back in 2008, landscape architects commissioned a report for Planning Service. It stated that west Tyrone was nearing capacity with regard to wind turbines. That was in 2008. You can imagine the number that are there now. There is also the issue of where we are located in west Tyrone. I am talking specifically about the west of west Tyrone, the Castlederg area, where there are around 111 wind turbines and, as of last night, another five to be proposed. We also have the issue of our boundary with Donegal. On the other side of the border, there are 20 or 30 turbines that are just falling into one another. It will just be one plain of wind farms. One of our main issues is the closeness or separation distance of 500 metres. That has been well rehearsed, so I will not go into it. However, it is real problem.

A BIGGAR Economics report stated that onshore wind farms create 1,110 jobs. I have seen a wind farm develop. It was commissioned in June 2012. I have seen three full-time jobs being created locally. There were people coming in from all arts and parts. Only three local people got jobs. So, wind farms have no benefit whatsoever for the people who live close to them. That farm is now being commissioned. When it is commissioned, there will be one or two satellite jobs. That, basically, means that you could have a man sitting in an office in Dublin or Belfast controlling the turbines. So, there are no economic opportunities.

The west Tyrone anti-turbine group gave a presentation just over the road in Killyclogher. Some issues came out loud and clear, and have been rehearsed today, such as the detrimental health impacts that are associated with low-frequency noise. That has not yet been proved. I would like to see, as Barry mentioned earlier, a joined-up approach with health. In response to an Assembly question from a MLA, it emerged that the Committee for Health, Social Services and Public Safety was never actually consulted on PPS 18. I would like to see something done about that.

The other issues that came out of that symposium included property values and how they have deteriorated for those who live in west Tyrone; the inefficiency of wind energy — how the blades are turned when the wind does not blow or blow strongly enough, and so on; the carbon output, concrete and so on of building wind farms; and the impact on biodiversity. You will see the list there, so I will not go into it.

The other issue for me, as a councillor, and the council is environmental health and the resources that we have. We have advertised to employ another person. It leaves all other applications for businesses and houses that are trying to come through the system in a backlog. Strabane District Council is 91 applications behind. Those people are trying to get a business off the ground and are waiting on planning. They are coming in, month after month, to try to get their planning through, but they cannot get it through because wind farms have taken over. That is a very sore point.

ETSU-R-97 was referred to earlier. There are serious issues with it regarding noise, and so on. We would like to see it reviewed quickly because sleep deprivation and such things are unacceptable. As councillors, the complaints that we receive almost daily now — you might find that hard to believe, but they are coming in thick and fast — are about noise, shadow flicker and television reception. At the start, developers were trying to fix problems. Now, they just fob people off. They are getting away in the smoke. They blame this and that. They blame the digital switch-over. However, it is the same thing: when the wind blows strongly, television reception is gone. There is no other way round that. It is clear cut. It is black and white. The policy does not actually go far enough to ensure that it caters for people's rights. There is also a problem with flickering lights in houses.

Another issue is the influence of objectors. When they try to get consultation to object to a wind farm, they find that it is top-heavy and overloaded in favour of wind-farm development. I do not know how you would ever go about objecting to a wind farm because everything is for wind farm development. Even the Minister has referred to that. Basically, there is no influence. It is top-heavy in support of development; mainly wind farm development.

The other issue that you will see is the high degree of suspicion, misinformation and fear in west Tyrone about wind farms. They are concerned, and both councils argue that evidence-based research to address allegations that onshore wind has a detrimental impact is required, if you understand what that means. I will now hand over to Councillor Kelly.

The Chairperson: Please be very brief.

Councillor Daniel Kelly (Strabane District Council): Thank you, chair. I just want to outline the recent call for evidence by the Department of Energy and Climate Change and our own research into the community benefits here in west Tyrone.

You may know that Omagh and Strabane district councils submitted a response to that call for evidence in November 2012. Given the nature of our submission, it is fair to say that we were delighted with what Ed Davey published at the beginning of the month. It is important to highlight a few key points from what he published in relation to the action plan and the package of measures that he is introducing, which, I think, are specific to England. Those include compulsory pre-application consultation with local communities in planning for onshore wind; the provision of clear and reliable evidence on the impacts of onshore wind, through an evidence toolkit; the introduction of engagements guidance to include benchmarking and monitoring good ... practices; a five-fold increase in community benefit package to the value of £5,000 per megawatt per annum, minimum; a central register of community benefits; a community energy strategy to promote community ownership and buy-in; and to include the enhancement of local economic impacts by producing guidance for potential supply-chain business. As a result of that, as an action point for the Committee, both councils call on you to utilise the DECC evidence fully. We want to see the full introduction and implementation in Northern Ireland of all the same outputs that there are in England. That must be done to begin to address some of the concerns raised by the host communities here.

I will make a few points on community benefit and our own research. Members will be familiar with the Fermanagh Trust paper 'Maximising Community Outcomes from Wind Energy Developments', which was published in early 2012. That reports shows clear evidence that host communities here are receiving significantly less than the community benefits packages that are being offered in other parts of the United Kingdom, particularly Scotland and Wales. Examples include Bord Gais, which operates Owenreagh 1 and 2 and offers no community benefit but offers €1,000 per megawatt in the Republic and ESB, which will operate Carrickatane when it comes online this year but currently has no community benefit and Airtricity, through Scottish and Southern Electricity, offers 0.5% or 1% of revenue depending on when the wind farm was built. It is worth noting that in Scotland both companies pay an additional £2,500 per megawatt per annum into a central Scottish regional fund and that such a system does not operate here. Energia offers £1,000 per megawatt per annum for the first year of operation, but that drops to £780 per megawatt per annum thereafter for the lifetime of the wind farm. Doreen Walker (DW) Consultancy offers £2,500 per megawatt of installed capacity.

As an aside, since the DECC call for evidence, as part of its pre-application and ongoing consultation for a wind farm in Killeter, one company — RES — has offered £5,000 per megawatt per annum as part of a community benefits package. As far as we are aware, that is to date the highest community package offered in Tyrone and, perhaps, the whole North.

We are disappointed that NIRIG could not attend today. You will be aware, at the beginning of this year, the umbrella group for the industry published guidance for its members on community benefit funds. It recommends that its members pay £1,000 per megawatt per annum. Both councils argue strongly that that is not acceptable. We are still of that opinion, and, since Ed Davey's publication at the beginning of the month, we feel vindicated for our numbers.

There is a lack of transparency in what each developer is paying into a community fund. Communities are being asked to negotiate individually and they do not have the capacity to lead that kind of negotiation with multimillion-pound industries. So, as another action point, Strabane and Omagh councils argue that there needs to be a reinstatement of annex 3 of draft PPS 18, which relates to community benefits. Both councils also argue that the scope in clause 15 of the Planning Bill to amend article 40 of the Planning Act (Northern Ireland) 2011 for the payment of community benefits should be fully utilised.

The Chairperson: Thank you very much. Your paper sets out the position very well. It is neutral and evidence-based. I agree that the UK's response is very good, setting out a set of criteria and measures to recommend a regional, devolved —

Mr Boylan: Excuse me, Chair. I think that Councillor Chittick has a couple of words to say.

Councillor Charles Chittick (Omagh District Council): I will forgive the Chair. *[Laughter.]*

The Chairperson: Thank you very much.

Councillor Chittick: Madam Chair, at the outset, I welcome you and the Members of the Legislative Assembly to the Omagh District Council area and for taking the time out.

The Chairperson: Thank you for hosting the meeting here.

Councillor Chittick: Again, I am disappointed with those who could not facilitate us access to Bessy Bell. It was their choosing. I would have thought that, if there was work to be done, they would have realised that some time ago and would have chosen another site. The site was chosen by them, so to find out that remedial work was the reason is not acceptable and not good enough. The other wind farm representatives are very disappointed that they are not here. After all, we are elected members representing a lot of our community here, and this was the time and the place for them to put their case forward to those who are either for or against. It does not matter to us, because we have only a consultant role as a local council. Therefore, I believe that they should have been here and put their case forward to those who it most affects, the residents in our local area, particularly the area that I represent. I wanted to put that on the record.

I am supposed to end up with making a conclusion here. At the outset, I want to say that we are the only show in town in that we have drafted what we believe is a template that, no doubt, will be approved by both Omagh District Council and Strabane District Council. It is on the way forward towards accepting and, hopefully, providing our communities, which are affected, a kind of buy-in, instead of this long-armed approach and that we will have a closer working relationship with the wind farm group per se and to the communities that it may affect or not affect. You have the paperwork in front of you, and this draft expects a rate of £5,000 per megawatt during the installation. Indeed, that is to be index-linked so that it is, if you like, inflation proofed over the lifetime of the wind farm.

The other important point is that the community that surrounds the area that has been affected will have a beneficial buy-in, if you like, in their community. They will get some support back for the inconvenience and everything else that surrounds these wind farms. We also agree that central government should be involved in ensuring that benefits from the host industry are fully realised and that adverse impacts are robustly addressed. In other words, if there is anything that is outstanding, we as a grouping expect you as elected Members to ensure that our voices are heard. As I said, that is what the group is about.

The wind farm working urges strongly that the recent published output from DECC, as a result of its call for evidence, should be fully implemented in Northern Ireland. It recommends compulsory pre-application and consultation with local communities in the planning on onshore wind, in other words that they be consulted prior to an application.

The Chairperson: I am sorry to stop you there. Councillor Daniel Kelly has set all of that out already.

Councillor Chittick: I will not take you through it all then, for time reasons.

The Chairperson: I am just conscious that the members want to ask questions

Councillor Chittick: There are some important things, and I think that the group that you heard from earlier addressed most of them. They mentioned the issue of distance between wind farms and homes, and, in particular, the relationship between that and the size of the wind turbine. The renewal of the ETSU-R-97 regulations is important. Also, there has been the absence of an area plan for west Tyrone since 2001. We expect that it should be taken into account in any consultation on applications for or approvals of wind farms. We want a review of draft PPS 18, as has already been mentioned, in relation to the requirement to consider whether planning applications for wind farms are both "negative" and have an adverse effect, and we also want the reinstatement of annex 3 of the draft document. That is very important and I cannot emphasise it enough. We want article 40 of the Planning Act (Northern Ireland) 2011 fully utilised to ensure community benefits are an integral part of planning for wind farms.

I must say, at the outset, that I fully support renewable energy. Anyone who sits on the council knows my position. Obviously, we have to meet the requirements of EU legislation, but that support is not at the behest of, or undermining of, those in our community who are adversely affected or otherwise. There is a lack of consultation with our constituents, and that needs to be addressed.

The other thing I would add is that wind farms are one thing, but there are substations to be located, means and ways of getting electricity, new lines and whatnot to be erected. That has an adverse effect on the farming community in particular. So all of that needs to be addressed in proper fashion and above board, so that the community knows exactly what is going on.

The Chairperson: Thank you very much. Certainly, you have added weight to the earlier presentation. It is so important that communities feel that they are consulted, they have a say and, if they feel aggrieved they are listened to. They are the hosts in the area, and they may be losing something; whether it is just a view, or something else. Some people may say that they do not sleep as well. They need to be compensated and community benefit is a very important factor, if we are going to have that win-win situation, where people do not feel so totally powerless and unable to challenge the developers.

I think the fact that the Renewables Industry Group is unwilling to come here today is indicative that there is not cooperation or a meeting of minds. I think that they are unwilling to come because they are worried about being in conflict situation, or a confrontational situation, with local people.

By the way, congratulations, and I think that it is a great initiative that the two councils are working together to set up the working group. In your view, how can we bring people together? We need the industry to produce renewable energy; and we need the local community to feel satisfied that they are listened to and that their concerns have been addressed. What measures can we put in to help them to meet and discuss this, and come to some solutions?

Councillor McGuire: I think that it gives a clear indication, when the group that is paid to speak for the renewables sector, which all the wind farm developers are bought into, will not engage. It goes to show the contempt that the developers have for the community, when they go about building wind farms and making proposals. I could give you all types of scenarios of consultation and non-consultation that have happened in my area. However, I shall not annoy you with that at this stage. There needs to be honesty, openness and transparency. There needs to be fewer deals done in farmers' kitchens, sworn to secrecy, signed documents to say that you cannot object and you cannot tell people what you are getting in this, that or the other.

The Chairperson: That splits communities, as well.

Councillor McGuire: It is not only my view; it is a fact in my community. It has divided families, church groups and football clubs. It is a train crash or train wreck through communities. It needs to stop.

Councillor Kelly: It is indicative of the power that the renewables energy group wields that it does not feel the need to engage, and that is a part of the problem. It now has the legislative framework in place which drives its planning through, without the need to consult effectively with the community, or to engage with the council or any other body. The draft legislation was amended effectively to suit the developers. Look at the clean neighbourhoods legislation. The western group of environmental health officers has advised us that it now has fewer powers of enforcement, under the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, than it did under the 1978 legislation. There have been all those subtle changes, and that is an issue that the Assembly needs to address.

Mr McElduff: I am mindful that Councillor Chittick might respond to my question, because everyone wants to say something. I commend the two councils for their presentation and written document, and thank the secretariat of the group which is located within Strabane District Council. I think that it is headed by Rachel in the council. They do a great job of providing information when you seek it. However, I must seek more information, in writing if possible, in the interests of time. I ask the secretariat, the working group, through the councillors, to provide information to the Committee about the extent of meetings with various Ministers at Stormont. You are regular visitors to Stormont, and I see you here. I am not always sure what you are at, but I wish you well. Have you met the Health Minister, the Environment Minister and the Enterprise, Trade and Investment Minister? What is the scale and purpose of the meetings that have happened in the last 12 months?

The Chairperson: I suggest that we also send your paper to DOE and ask it to respond to the points that you raise in it.

Councillor Chittick: We have met Ministers O'Neill, Attwood and Foster. We have not met the Health Minister, as far as I know. I look to Rachel, because she keeps us right on those things.

Councillor Clarke: I think it is on that document.

Councillor Chittick: I hope that that clarifies things.

Councillor Clarke: From this meeting, we expect joined-up thinking among our Departments, and a number of Departments have been mentioned. It needs to be legislated for, as part of a planning condition, that these groups will not either seek or be given approval for planning unless they have such engagement with the communities affected. I do not know whether that is possible, but that is where we are coming from.

The Chairperson: You want the current Planning Bill to do that, more or less?

Councillor Clarke: Yes. You get different views on wind farms. If you speak to someone, they might talk about the noise. People who actually live in close proximity to them say that the smaller turbines create a more annoying noise than some of the large ones. The perception of the public, who do not actually live beside wind farms, is that larger wind turbines create the greatest problem. I am not an expert. We have heard a number of experts speak, but there needs to be an analysis made by an independent group to pick up on the various points about noise, interference on TVs and all the rest. We should observe that independent protocol, so that people like us, who represent the public — and the public itself — will be able to say whether they believe such a document. You will always get those lobbying for and those against, but we need an independent body to sit down and analyse a lot of those issues, health issues and all the rest.

The Chairperson: A quite thorough research paper was given to us for today's meeting. It cites a number of research and survey findings. They are kind of saying that there is not proven medical evidence that the noise that you are complaining about is harmful. They also say that accidents are very rare; I cannot remember, but it is something like one in 2,500 and up to one in 30,000 or something. Research has been done on those issues.

Councillor Chittick: There is one more question, Chair. All these things have a lifespan. When they come to a stage of decommissioning, we need to know exactly who is going to pick up the tab. Is the wind farm company going to deal with that issue and restore the mountainside or whatever to its former glory? We need to be sure about what is going to happen at that stage.

The Chairperson: Thank you. Cathal, not too long.

Mr Boylan: Not too long, Chair. I was listening very carefully.

The Chairperson: There are other members behind you.

Mr Boylan: Behind every four men, there is a good council official, and it is a woman. Thanks, Rachel, for the information and the tour today. Unfortunately, we did not get an opportunity to see it, but we are well aware of it. We appreciate the papers that have been done by research and everything else. We have reached a crisis point where you are at the minute. There is a major issue with saturation of wind farms in this area. There is no doubt about it. I have two points. Where is the ETSU-R-97? Obviously, environmental health can assess only what regulations are there. I need information from you about that. Also, we brought forward the Clean Neighbourhoods Bill to assist council, not to put barriers in your way. Councillor Kelly alluded to it; could you write to the Committee or give us information on how that has changed? That certainly was not the intention of the Clean Neighbourhoods Bill. Thanks very much for your presentation.

Mr Anderson: Thank you for your presentation. I appreciate the difficulty that you people have as local councillors. I am a local councillor. I realise that there must be a lot of lobbying going on from various aspects.

Mr Weir: I suppose that all the wind in Craigavon is at ground level.

Mr Anderson: Yes; it is at ground level.

I think that councillor McGuire touched on community consultation and community benefits. You talked about people being approached by businesspeople who are looking to tell them to sign up. Can you, as local councillors, get all the communities together to say that it is a bigger issue? Do you see it as a really big problem? Are many individuals doing it? Is it a big issue?

Councillor McGuire: It is too late. They have done the deal. It goes into planning. It all came to a head about 18 months or two years ago when they started to build the first wind farm close to the road and the houses. People started to notice and realise its size and scale. When people started to ask questions, they found out that deals were done with certain farmers getting a road and another one getting a turbine and so on and so forth, but they had to sign an embargo, so they could not speak or tell anyone. They were not allowed to tell him down the road about this or that. That has caused great problems in the community.

Mr Anderson: So, it is a silent community deal that even you, as elected members, did not know about?

Councillor McGuire: Yes. That is still going on.

Mr Anderson: That is probably one of your bigger difficulties to try to touch base with. If you want to get the communities, you have to get all the community. If ones are being picked off, that is difficult to overcome.

Councillor McGuire: They are picked off because they are in a prime location. They are courted or whatever way you want to put it because they have a prime location. They are going up, and the deal has been done there. The man down the road is irrelevant; he may have only one strip of land that is too much hassle, so they step over him.

The Chairperson: Would that cause jealousy if someone is getting thousands?

Councillor McGuire: Yes.

Mr Anderson: I am from quite a distance away, as you know, but this has obviously caused great concern in your communities. As local councillors, when you get things like that, they are difficult to overcome. It is then getting into —

The Chairperson: Community benefits.

Mr Anderson: — what can be done for the community benefits, so that certain individuals are not getting all the benefit and *[Inaudible.]* benefits a few selected people *[Inaudible.]*.

The Chairperson: It is so that everyone gets a fair share in the locality.

Mr Anderson: I did not realise that that was going on.

Councillor McGuire: To think that one householder or farmer would agree to a turbine possibly not close to his house but maybe close to his sister's house and not even tell them and cannot tell them —

Mr Anderson: So, it is in families as well.

Councillor McGuire: And they read in the paper that there is a wind farm going up beside them, that speaks for itself.

Councillor Kelly: One other development that we have noticed in recent times is that, in the past, a lot of the companies put in planning applications under their own name, but now they are also putting in planning applications under the landowner's name so that people feel that they cannot complain or object to a planning application because they are a neighbour or friend.

Mr Boylan: That is the mechanism that they are using.

Mr Anderson: It is not official, but obviously the planning authorities know about that. It is going on. They know about it, but if there are no objections coming in, there is really nothing that they can do in the sense of objectors because of that.

The Chairperson: Now that Peter is back and we have a quorum, do members agree that we will send the council's paper to DOE and ask for its comments?

Members indicated assent.

Mr McElduff: In the spirit of joined-up government, could we also send them to the Agriculture Committee, the Health Committee and the Committee for Enterprise, Trade and Investment? Those Departments are being referred to as well.

The Chairperson: OK. That is joined-up thinking.

Mr Boylan: Finally, Chair, there is a wee bit of information to come back from the council in relation to the ETSU-R-97 and the Clean Neighbourhoods Bill.

The Chairperson: Yes. Once we get the responses, we will forward them to you.

Thank you very much. That was very informative. We need to take a balanced view of the whole situation.